

June 10, 2005

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TR-005-US

TCW
2633



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF: LIU, Wen, et al

SERIAL NO: 09/990,366 ART UNIT: 2633

FILING DATE: Nov 23, 2001 EXAMINER: KIM, DAVID S

TITLE: Method and System for Monitoring Performance of Optical Network

**COMMISSIONER FOR PATENTS
WASHINGTON, D.C., 20231, U.S.A.**

**Attention: Tammy Acree, Art Unit 2600
Legal Instruments Examiner
Telephone: (571) 272-7017**

Dear Madam/Sir:

RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT
(37 CFR 1.121)

This is a response to the Notice of Non-Compliant Amendment mailed on 16 May 2005, and to the subsequent telephone conversation on June 9, 2005, between Tammy Acree of Art Unit 2600 in the USPTO, and Tonia Kelly of my office.

In our Response dated 10 March 2005 to the First Office Action mailed on November 18, 2004, three new claims were incorrectly numbered as 12a, 12b and 12c.

A corrected section of the Response dated March 10, 2005, is submitted herewith in which these three new claims have now been correctly numbered as claims 22, 23 and 24. In all other respects the present Response is identical to our Response dated March 10, 2005.

In the claims

Claim 12 has been amended.

Claims 1-11 and 13-21 have been canceled without prejudice.

New claims 22, 23 and 24 have been introduced.